UNITED
NATIONS

E

Economic and Social
Council

Distr.
GENERAL

E/CN.4/2002/NGO/166
20 February 2002

ENGLISH AND SPANISH ONLY

COMMISSION ON HUMAN RIGHTS
Fifty-eighth session
Item 10 of the provisional agenda

ECONOMIC, SOCIAL AND CULTURAL RIGHTS

Written statement* submitted by the Palestinian Centre for Human Rights (PCHR), a non-governmental organization in special consultative status

The Secretary-General has received the following written statement which is circulated in accordance with Economic and Social Council resolution 1996/31.

[6 February 2002]

---

*This written statement is issued, unedited, in the language(s) received from the submitting non-governmental organization(s).

GE. * 0 0 2 0 2 1 1 0 4 1 *

ENG

The Palestinian Centre for Human Rights (PCHR) and LAW, the Palestinian Society for the Protection of Human Rights and the Environment (LAW), express their grave concerns at Israel's continuing gross and systematic violations of economic, social and cultural rights of Palestinians in the Occupied Palestinian Territories (OPTs).

Violations of economic, social and cultural rights in the OPTs have been perpetrated since the occupation began in 1967. However, the past 15 months have witnessed an unprecedented escalation of violations, including of economic, social and cultural rights. This intervention will focus on the closure and the house demolition policies and military bombardment of the OPTs pursued by the Israeli military, their impacts and the related violations of international human rights and humanitarian law with respect to economic, social and cultural rights. For further information regarding the impact of the settlement policy on economic, social and cultural rights, please refer to PCHR and LAWs intervention on agenda item 6 (Racism, Racial Discrimination, Xenophobia and all Forms of Discrimination).

Closure Policy

Closures have been imposed on the OPTs by the Israeli military in varying degrees since 1989. However, since the beginning of the Intifada, the restrictions on free movement of persons and goods have reached an unprecedented level, severing access to food, water, health care and supplies, education, work and family, as recognised by the UN Committee on Economic, Social and Cultural Rights (Committee on ESCR)1. Closures negatively impact all areas of daily life in the OPTs.

External closures have prevented all access to Israel for residents of the OPTs. Since Israel controls all borders with the Gaza Strip (including into Egypt) and the West Bank (into Jordan), closures have also prevented Palestinians from traveling abroad. In the Gaza Strip, as of 12 January 2002, all Palestinians are denied access to Erez Junction, the main route into Israel. During 2001, the Erez Junction was closed for 313 days to Palestinians and partially open for the remaining 52 days. Karni Crossing (exclusively used for commercial trade) was totally closed for 25 days and partially closed for 340 days. The Sofa Crossing, which is used for the movement of Palestinian labourers traveling to work inside Israel was completely closed for 313 days in 2001 and partially closed for 52. Internal closures have resulted in no movement between the Gaza Strip and the West Bank; the establishment of hundreds of military roadblocks have prevented Palestinians from traveling between Palestinian towns and villages within the OPTs.

General closures are generally tightened in response to attacks against Israeli targets inside Israel and in the OPTs. In such circumstances closures constitute collective punishment, in violation of Article 33 of the Geneva Convention Relative to the Protection of Civilian Persons in Time of War of August 12, 1949 (the Fourth Geneva Convention).

One of the more widespread effects of the closures has been the complete economic suffocation of the OPTs. The Gaza Strip, the poorest and most densely populated area of the OPTs, has been particularly affected. Closures have stopped all commercial activities between the West Bank and the Gaza Strip, and between the OPTs and Israel and other states. Commercial activities within the OPTs are also restricted. According to official Palestinian figures the total losses to the Palestinian economy, from the beginning of the Intifada until

---

1 Concluding Observations of the Committee on Economic, Social and Cultural Rights: Israel. 31/08/2001. E/C.12/1/Add.69. Para 13.

December 2001, amount to $US 7 billion.

The Right to Work

The economic suffocation has included increasing levels of unemployment. In violation of the right to work, Palestinians from the OPTs employed in Israel and settlements (approximately 120, 000) have been denied access to their work as a result of the closure policy. In total, unemployment in the OPTs had risen to 55% by the end of 20012, with daily losses in wages of US$6.25 million3. In a survey conducted in July-August 2001, 50.5% Palestinians in the West Bank, and 81.5% Palestinians in the Gaza Strip were found to be living below the poverty line4. The economic consequences of the closures have been felt in every industry and sector.

The Right to Health Care

Closures have regularly resulted in the scarcity of medical supplies in the OPTs and the denial of access to regular and emergency health care. Additionally, medical workers have found themselves under attack by Israeli soldiers. Six Palestinian and one foreign medical worker have been killed in the course of their duties during the Intifada and at least 130 have been injured5. There have been 140 Israeli attacks against ambulances and more than 20 attacks against hospitals, clinics, or other medical facilities, all of which were clearly marked. Attacks on medical personnel and facilities are in direct violation of the Fourth Geneva Convention (articles 18, 20). At least 27 Palestinians have died at checkpoints in the OPTs when Israeli forces have denied medical workers access to sick or injured, or when Palestinians have been prevented from traveling to hospitals and clinics in neighbouring towns and villages. In addition, 17 women have been forced to give birth at checkpoints when Israeli soldiers have refused to allow them through to hospitals and clinics. Israeli forces have also prevented or delayed passage of medical supplies and aid convoys, including ICRC supply trucks in violation of Article 23 of the Fourth Geneva Convention. Palestinians have been prevented from traveling abroad to receive more advanced medical treatment due to closures.

Right to Education

Hundreds of Palestinian students, teachers and other staff have been denied access to their schools and universities, and education has been severely disrupted. Gazan students continue to be prevented from attending institutions in the West Bank. Many students have been killed or injured on their way to or from schools and universities, and schools and universities throughout the OPTs have come under military attack.

House Demolition

The Israeli authorities have pursued a policy of house demolition for several decades, with various aims, but again this policy has been escalated in the last 15 months. Home and property demolitions are currently carried out in several circumstances; failure to obtain planning permission; punishment for military attacks; all of which violate article 11 of the

---

2 63-64% in the Gaza strip and 47-48% in the West Bank. Figures according to the Palestinian Ministry of Labour.
3 Figures obtained from the Palestinian Ministry of Labour.
4 The poverty level indicator used was $US 2 per day.
5 According to PCHRs documentation.

ICESCR as affirmed by the Committee on ESCR6. Demolitions of properties for which the owners have failed to obtain planning permission occur primarily in Jerusalem and surrounding areas. It is almost impossible for Palestinians to legally obtain planning permission from the Israeli authorities to build properties in these areas, particularly if that land maybe used for settlement expansion. Demolition in retaliation for military attacks, including claims that the houses are being used as cover for Palestinian gunmen firing at Israeli targets, occur more regularly, particularly in the Gaza Strip. 500 homes have been leveled since the beginning of the Intifada and more than 2000 have been severely damaged in the Gaza Strip alone, leaving at least 4000 Palestinians homeless. The deliberate destruction of civilian homes and property in retaliation for attacks on Israeli targets in the OPTs or in Israel is collective punishment and, as such, a violation of Article 33 of the Fourth Geneva Convention, as reaffirmed by UN Secretary General Kofi Annan on 11 January 2002. The extensive wanton destruction of civilian properties is also a grave breach of the Convention, as defined in article 147. Punitive house demolitions are also conducted in circumstances which may constitute cruel, inhuman or degrading treatment or punishment as found by the UN Committee Against Torture7; house demolitions are usually conducted at night by bulldozers, without prior warning, allowing residents no time to remove belongings and are usually accompanied by tanks and heavily armed soldiers.

In addition to the use of bulldozers, the Israeli military have destroyed or damaged hundreds of homes and other civilian property in indiscriminate shelling and shooting, including the use of F16 fighter jets and Apache helicopter gunships. More than 50,000 Palestinians in the OPTs have been displaced or affected by such attacks.

This destruction has not been limited to homes; more than 10,0008 dunums of agricultural land has been razed by the Israeli military during the Intifada, destroying crops, livestock, irrigation networks, wells, green houses, and storage facilities. At least 8% of the agricultural land in the Gaza Strip has been destroyed since the beginning of the Intifada. This is particular concerning in an area of 365 sq. kilometres, with a population of approximately 1.3 million, suffering, as a result of closures, increasingly restricted sources of food and other supplies.

The Israeli military continues to claim that the victims of demolitions and destruction have no right to compensation for their losses9. The denial of compensation for victims is a serious violation of international human rights law.

Effects on Health

One of the less documented effects of Israel's policies of closure, house demolition and the regular and repeated military bombardment of civilian areas is the effect on the health, particularly mental health of the civilian population. PCHR and LAW are particularly concerned that Palestinians in the OPTs, particularly those communities in Rafah and Khan Younis in the Gaza Strip, have been repeatedly and regularly subjected to military bombardment, including the use of F16s and Apache helicopters, strict closures, and house demolitions by military bulldozers carried out in circumstances amounting to cruel, inhuman

---

6 Concluding Observations of the Committee on Economic, Social and Cultural Rights: Israel. 04/12/98. E/C.12/1/Add.27. Para 24.

7 *Conclusions and Recommendations of the Committee Against Torture: Israel. 23/11/2001. Para 6 (J).*

8 One dunum equals 1,000 square meters.

9 PCHR has submitted a number of complaints regarding house demolitions to the Israeli military and its legal advisor. Replies received have denied legal responsibility and therefore the right of the victims to claim compensation for their losses. For further detail please see PCHR and LAWs intervention to the Human Rights Commission on agenda item 11 (b).

and degrading treatment. Many in these communities have witnessed killings, injuries and other traumas to their friends, family members, neighbours, or have experienced personal losses. These systematic policies are being wantonly inflicted on a civilian population which has already been subjected to a belligerent military occupation for 35 years, whose lives have been characterized by poverty, hardship, and displacement. As a consequence, many in these communities are suffering from impaired mental and physical health, including post traumatic stress disorders, particularly depression. The intentional infliction of severe trauma on the civilian population is indicative of Israel's policy of state terrorism and may constitute "great suffering", including moral suffering, as a grave breach of the Fourth Geneva Convention (article 147) and a war crime.

PCHR and LAW assert that Israel applies the provisions of the Convention on Economic, Social and Cultural Rights in a discriminatory manner10, in contravention of article 2.2 as recognised by the Committee on ESCR11. PCHR and LAW reaffirm the Committees concerns that Israel continues to violate international standards on economic, social and cultural rights in the OPTs. PCHR and LAW therefore call upon

The Government of Israel

- To take steps to ensure its immediate de facto and de jure implementation of the provisions of the International Covenant on Economic, Social and Cultural Rights in the OPTs without discrimination.

- To immediately cease the closures and house demolitions in the OPTs.

- To fulfill its obligations under the Covenant to supply the Committee with regular and detailed information regarding its implementation of the Covenant in Israel and the OPTs.

- To facilitate missions of the UN Special Rapporteurs on Housing and others to Israel and the OPTs, and to fully cooperate with them.

The UN Human Rights Commission and UN General Assembly

- To take effective measures to ensure Israel complies with the provisions of the Covenant on Economic, Social and Cultural Rights, and other international human rights and humanitarian standards.

- To condemn Israel's continued closure of the OPTs, and its related consequences for the enjoyment of human rights in the OPTs.

- To condemn Israel's continuing policy of house and property demolition in the OPTs in contravention of the Fourth Geneva Convention, and other international human rights laws, in particular the Convention Against Torture and the ICESCR as found by both the Committee Against Torture and the Committee on Economic, Social and Cultural Rights.

The International Community

- *To immediately deploy independent international protection for Palestinian civilians in the*

10 For details regarding the discrimination practiced against Palestinians, please refer to PCHR and LAWs intervention to the Human Rights Commission agenda item 6.
11 Concluding Observations of the Committee on Economic, Social and Cultural Rights: Israel. 04/12/98. E/C.12/1/Add.27. Para 10.

OPTs and to prevent further violations of international human rights and humanitarian law in the OPTs.

- To immediately end all transfers of arms and military equipment to Israel, and to pressure other states to do so.

- To immediately implement all signed agreements and domestic legislation that are contingent upon Israel's compliance with international human rights standards, including the Euro-Israeli Association Agreement.

- To impose economic, oil, trade, military and other sanctions and embargoes (with the exception of the provision of medical aid, foodstuffs and other humanitarian goods).

- To restrict bilateral trade relations with Israel, especially regarding the import of products made in Israeli settlements in the OPT.

- To suspend, downgrade, or sever diplomatic ties with Israel.